

**REMARKS****I. Preliminary Remarks**

Applicants thank Examiner Ronald Schwadron, Ph.D. for the courtesy of the interview kindly granted on September 20, 2004 to Applicants' attorneys Li-Hsien Rin-Laures, Sharon Sintich and Rosemary Sweeney. During the interview, Applicants discussed amending the claims to be directed to polynucleotide subject matter. In addition, the information disclosure statement to be submitted was also discussed.

**II. Basis and Support for New Claims**

The new claims are directed to preferred embodiments of the invention and do not add new matter to the application. New claims 156, 167, 178, and 198 are directed to vectors comprising the polynucleotides of the invention. New claims 157, 168, 179-183 and 199 are directed to host cells comprising the polynucleotides of the invention. Vectors and host cells are contemplated as embodiments of the invention, *e.g.*, at page 4, lines 7-9, page 6, lines 16-29 and page 15, lines 12-18 of the specification.

New claims 158-165, 169-176, 184-195, and 200-203 are methods of using the polynucleotides of the invention to produce protein by culturing host cells comprising such polynucleotides and isolating the protein produced by the host cells from the cell mass or the culture medium, which methods are contemplated throughout the specification, but most particularly at page 6, lines 16-29 (discussing isolation of expressed TNF-binding protein from the medium or from cell extract), page 19, lines 13-18 (purifying expressed TNF-binding protein from cell mass or culture supernatant) and page 15, lines 12-18. Use of CHO cells is contemplated, *e.g.*, at page 17, line 1. Applicants understand that claims with similar subject matter were restricted from then pending polynucleotide claims in a restriction requirement issued September 23, 2003. However, when claims of this type are separated from polynucleotide claims by restriction, such method claims can properly be rejoined when the polynucleotide claims upon which they depend are found allowable. MPEP § 809.02(c). Thus, Applicants would prefer to proceed with examination on the polynucleotide claims but retain the dependent method claims as pending in the case, even if the Examiner decides it is necessary to withdraw them for the present.

### III. Response to Notice to Comply

The Notice to Comply stated that the sequence listing in paper and computer readable form, submitted on March 14, 2005, was not fully responsive. In particular, the sequence listing lacked the mandatory section <150> listing the priority applications. The substitute sequence listing, submitted herewith, lists the priority applications for the present application. The undersigned hereby states that the content of the paper and computer readable forms of the sequence listing are identical and do not add new matter to the application.


### CONCLUSION

In view of the above remarks, Applicants believe claims 125-175 are in condition for allowance. If further discussion or amendments would expedite allowance of the claims, the Examiner is asked to contact the undersigned at the number below.

This response is timely filed with a petition and fee for three-months extension of time. Should the Examiner believe that additional fees are due at this time, or at any time during the prosecution of this case, he is hereby authorized to charge such fees to Deposit Acct. No. 13-2855 under Order No. 01017/40451C.

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Respectfully submitted,

By   
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